

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

GOOGLE INC.

PLAINTIFF

v.

Civil Action No. 3:14-cv-981-HTW-LRA

JIM HOOD, in his official capacity  
as Attorney General of the State of  
Mississippi

DEFENDANT

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**DEFENDANT'S OBJECTION TO PLAINTIFF'S LETTER BRIEF**

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The Attorney General, pursuant to Local Rule 7(b), submits this Objection to Plaintiff Google's letter to the Court, dated July 22, 2015.

**INTRODUCTION**

On July 22, 2015, Google submitted an unsolicited and improper, single-spaced, two-page letter brief directly to the Court offering supplemental argument in support of Google's prior and fully briefed motion. This is not the first time that Google has sent a similar letter briefing directly to the Court, without permission. In a previous letter brief, Google sought to interject matters that it is currently litigating against third-parties in the District Court of the District of Columbia.<sup>1</sup>

This most recent July 22 letter was submitted directly to the Court, in further reply to its motion to compel. Briefing on this motion—consisting of a motion, response, and reply (See Docs. No. 100, 103, and 105) was completed on May 7, 2015. Moreover, the Court, having

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<sup>1</sup> In the letter, dated July 2, 2015 to the Court, Google sought to unilaterally characterize the positions of third-parties in litigation in the District Court of the District of Columbia to which the Attorney General is not even a party, going so far as to excerpt a portion of a pleading filed in that litigation filed by a third-party.

received all proper briefing pursuant to the Local Rules and having conducted a telephonic hearing on the matter, has not requested further submissions from the parties. Nevertheless, Google, without seeking permission to file an additional reply, has done so. As such, the Attorney General objects to the July 22, 2015 letter and requests that the Court instruct Google to cease sending unrequested submissions beyond those contemplated by the Local Rules or authorized by the Court.

### **ARGUMENT**

The Local Rules of this Court permit a party to file a motion, an opposing party to file a response, and the movant to file a reply. L. U. Civ. R. 7(b). Here, Google has submitted a letter—without seeking leave from this Court—re-urging its motion to compel, while briefing additional arguments in support of its motion. This letter—the “Second Reply”—is unsolicited and improper, and should not be permitted. Such continued submissions are unfair and prejudicial after briefing on the motion has closed, particularly where the matters informally submitted to the Court by Google would not constitute part of the record.

### **CONCLUSION**

Accordingly, the Attorney General requests that the Court sustain his objection to Google’s July 22, 2015 letter, and asks that the Court order Google to cease sending unrequested submissions beyond those contemplated by the Local Rules or authorized by the Court.

THIS the 24<sup>th</sup> day of July, 2015.

Respectfully Submitted,

JIM HOOD, in his official capacity as Attorney General of the State of Mississippi

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**CERTIFICATE OF SERVICE**

I, John W. Kitchens, one of the attorneys for Defendant Jim Hood, hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Mississippi through the Court's CM/ECF system. I further certify that all parties are represented by attorneys who are registered users of the CM/ECF system and that service will be accomplished through the CM/ECF system.

*/s/ John W. Kitchens*

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